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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/930,779	08/15/2001	Jeremy Burr	INTL-0658-US (P11212)	2581
7590	11/04/2005		EXAMINER	
Timothy N. Trop TROP, PRUNER & HU, P.C. STE 100 8554 KATY FWY HOUSTON, TX 77024-1805			TRAN, TUAN A	
			ART UNIT	PAPER NUMBER
			2682	
DATE MAILED: 11/04/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/930,779	BURR, JEREMY	
	<b>Examiner</b>	<b>Art Unit</b>	
	Tuan A. Tran	2682	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 05 August 2005.

2a) This action is **FINAL**.                            2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-30 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-30 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

1. Certified copies of the priority documents have been received.

2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.

3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.

4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.

5) Notice of Informal Patent Application (PTO-152)

6) Other: \_\_\_\_\_.

**DETAILED ACTION*****Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

1. Claims 1-30 are rejected under 35 U.S.C. 102(e) as being anticipated by Haartsen (6,590,928).

Regarding claim 1, Haartsen discloses a system and method for establishing communications between devices within a mobile network, comprising: obtaining on a first wireless device a contact list of second wireless devices with which the first wireless device has communicated in the past

(through the inquiry procedure), including a first active contact in-range from the device and a second active contact being out-of-range from the device (See figs. 6a, 6b and col. 13 line 54 to col. 14 line 43); automatically establishing a communication route from the first wireless device to the first contact and establishing a communication route from the first wireless device to the second contact through the first contact (See col. 14 line 43 to col. 15 line 37, col. 18 line 6 to col. 19 line 5).

Claims 11 and 21 are rejected for the same reasons as set forth in claim 1, as apparatus.

Regarding claim 2, Haartsen discloses as cited in claim 1. Haartsen further discloses the step of obtaining the contact list includes acquiring information from a list of addresses on the first wireless device (See col. 13 line 54 to col. 14 line 43).

Claims 12 and 22 are rejected for the same reasons as set forth in claim 2, as apparatus.

Regarding claims 3-8, Haartsen discloses as cited in claim 1. Haartsen further discloses the steps of: storing information related to the first and second active contacts sufficient to establish communication routes from the first wireless device to the first and second active contacts (See col. 15 lines 24-37); exchanging lists of contacts with in-range devices; comparing the lists of contacts; identifying common contacts in the lists; and exchanging lists of common contacts between two devices with other in-range devices (See fig. 8 and col. 14 lines 37-42, col. 16 lines 19-65).

Claims 13-18 and 23-28 are rejected for the same reasons as set forth in claims 3-8, as apparatus.

Regarding claim 9, Haartsen discloses as cited in claim 1. Haartsen further discloses the step of periodically updating information about in-range devices (See col. 13 line 54 to col. 14 line 5).

Claims 19 and 29 are rejected for the same reasons as set forth in claim 9, as apparatus.

Regarding claim 10, Haartsen discloses as cited in claim 1. Haartsen further discloses the step of storing alternative communication route to the second contact (See fig. 11 and col. 15 lines 24-37, col. 18 lines 15-65).

Claims 20 and 30 are rejected for the same reasons as set forth in claims 10, as apparatus.

### ***Response to Arguments***

Applicant's arguments filed 08/05/2005 have been fully considered but they are not persuasive.

The Applicant argued that the inquiry procedure that the Examiner is relying on only works with in-range units and, therefore, does not fall within the scope of claim 1 (See Remark, page 2). The Examiner respectfully disagrees with the Applicant's argument because Haartsen does clearly show the list obtained through the inquiry process includes both in-range and out-of-range devices (See fig. 8 and col. 15 lines 8-37, col. 16 lines 19-52). For that reason, the rejections remain proper and stand for all the pending claims.

***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tuan A. Tran whose telephone number is (571)272-7858. The examiner can normally be reached on Mon-Fri, 10:00AM-6:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Quochien Vuong can be reached on (571) 272-7902. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Tuan Tran 10/31/05

QUOCHIEN B. VUONG  
PRIMARY EXAMINER